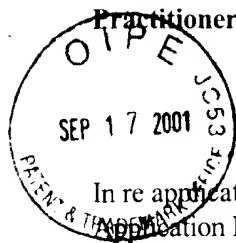


Practitioner's Docket No. 49927 (71526)

1646
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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Seya et al.
Application No.: 09/601,371 Group No.: 1646
Filed: December 5, 2000 Examiner: S. Prasad
For: CYTOKINE INDUCERS COMPRISING M161 Ag

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is
[] a small entity. A statement:
[] is attached.
[] was already filed.
[X] other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: September 14, 2001

Susan M. Dillon
Signature

Susan M. Dillon

(type or print name of person certifying)

(Amendment Transmittal—page 1 of 4)

been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136
(fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

| | Extension (months) | Fee for other than small entity | Fee for small entity |
|-------------------------------------|-----------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> | one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> | two months | \$ 380.00 | \$ 190.00 |
| <input checked="" type="checkbox"/> | three months | \$ 890.00 | \$ 445.00 |
| <input type="checkbox"/> | four months | \$ 1,360.00 | \$ 680.00 |

Fee: \$ 890.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 890.00

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

| | | | (Col. 3) SMALL ENTITY | | OTHER THAN A SMALL ENTITY | | | |
|--|---------------------------------------|------------------|-----------------------|---------------------|---------------------------|-----------|---------------------|--|
| (Col. 1) | (Col. 2) | | | | | | | |
| Claims Remaining After Amendment | Highest No. Previously Paid For | Present Extra | Rate | Addit. Fee | OR | Rate | Addit. Fee | |
| Total | Minus | = | x \$9 = | \$0 | | x \$18 = | \$ | |
| Indep. | Minus | = | x \$39 = | \$0 | | x \$78 = | \$ | |
| [] First Presentation of Multiple Dependent Claim | | | + \$130 = | \$0 | | + \$260 = | \$ | |
| | | | | Total Addit. Fee | | OR | Total Addit. Fee | |
| | | | | \$0.00 | | | \$ | |

- * If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) [X] No additional fee for claims is required.

OR

- (d) [] Total additional fee for claims required \$ _____.

FEE PAYMENT

5. [X] Attached is a check in the sum of \$ 890.00.
 [] Charge Account No. _____ the sum of \$ _____.
 A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. [X] If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- [X] If any additional fee for claims is required, charge Account No. 04-1105.


SIGNATURE OF PRACTITIONER

Reg. No. 38,256

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BOS2_176543.1

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(type or print name of practitioner)

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Intellectual Property Group

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Docket No. 49927 (71526)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Seya, et al.

SERIAL NO.: 09/601,371

GROUP: 1646

FILED: December 5, 2000

EXAMINER: S. Prasad

FOR: CYTOKINE INDUCERS COMPRISING M161Ag

Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

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AMENDMENT

In response to the Office Action issued on March 14, 2001, Applicants kindly request that the above application be amended as follows:

IN THE SPECIFICATION

Kindly insert the following sentence as a separate paragraph on page 1 following the title of the invention:

AL The present application is a continuation of PCT/JP99/00414, filed on February 1, 1999 which claimed the benefit of Japanese Patent Application No. JP 10-32384/1998, filed January 30, 1998.

Kindly replace paragraph 2 appearing on page 1 with the following rewritten paragraph:

AL M161Ag is a membrane protein which is contained in cells latently infected with *Mycoplasma fermentans* such as a human myelocytic leukemia cell line P39(+), and has functions such as activation of the alternative pathway and adsorption of the complement C3. Isolation and purification of this protein and preparation of monoclonal antibody have already